

Notice of Allowability

Application No.

10/022,034

Examiner

Jeff Lundgren

Applicant(s)

STROOBANT, PAUL

Art Unit

1639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to April 19, 2006.
2. ☒ The allowed claim(s) is/are 1,3-22 and 27-54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

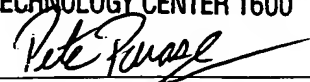
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____

PETER PARAS, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600



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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 19, 2006, has been entered.

Claims 1, 3-22 and 27-54 are pending in the instant application and are the subject of the Office Action below.

Withdrawn Claim Rejections

Each of the rejections of the claims under 35 U.S.C. § 112, first paragraph, for the introduction of new matter, and lack of written description, has been withdrawn for the reasons argued by Applicant.

Each of the rejections of the claims under 35 U.S.C. § 112, second paragraph, has been withdrawn in view of Applicant's amendment to the claims.

The rejections of the claims under 35 U.S.C. § 102 (Cai *et al.*), and 35 U.S.C. § 103 (Cai *et al.*, in view of Hutchens or in view of Hutchens and Cull), are withdrawn for the reasons argued by Applicant.

Examiner's Amendment to the Claims

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The Examiner received a voice mail message from Applicant's representative, Dr. Bieker-Brady, on July 21, 2006, authorizing the amendment below.

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The application has been amended as follows:

Claims 1 has been amended by inserting the term “and” at the end of step (d) in line 17, after the phrase “second array;”.

The Examiner received authorization from Applicant’s representative, Dr. Michael Belliveau, on July 24, 2006, authorizing the amendment below.

The application has been amended as follows:

Claim 1 has been amended by inserting the term “complex” immediately before the term “biological” in line 26, of page 2.

Claim 1 has been amended by inserting the term “complex” immediately before the term “biological sample” in line 1 of page 3.

Claim 13 has been amended by inserting the phrase “or tissue” immediately following the term “organ” in line 2 of the claim.

Claim 14 has been amended by inserting the phrase “or tissue” immediately following the term “organ” in line 1 of the claim.

Reasons for Allowance

The closest prior art, Cai *et al.*, has been made of record, and does not teach or fairly suggest the claimed invention. Cai is directed to a single differential screening of antibodies based on phage-displayed polypeptides. Cai does not use a first and second array for the generation of the third product and/or fourth product as claimed in the instant invention.

Conclusions

Claims 1, 3-22 and 27-54 are allowable.

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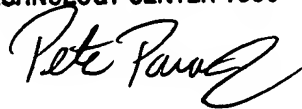
Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeff Lundgren whose telephone number is 571-272-5541. The Examiner can normally be reached from 7:00 AM to 5:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Peter Paras, can be reached on 571-272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSL

PETER PARAS, JR.
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A handwritten signature in black ink, appearing to read "Pete Paras", written over the printed name and title.